

THE DRAIN CODE OF 1956 (EXCERPT)

Act 40 of 1956

280.520 Plans, specifications, and estimate of cost; approval, adoption, and filing; route of drain; apportionment of costs; designation of area to be served; assumption of additional cost; altering or supplementing proceedings.

Sec. 520. The drainage board shall proceed to secure from a competent engineer, plans, specifications, and an estimate of cost of the proposed drain, which when approved and adopted by the board shall be filed with the secretary thereof. In approving the plans and specifications, the drainage board shall not be limited to the route of the drain described in the petition or the final order of determination. The drainage board shall tentatively establish the percentage of the cost of the drain or of the several sections or parts thereof which is to be borne by public corporations in each county affected and by the state on account of any state highway, and by the county on account of any county highway. The percentage of the cost apportioned to public corporations in each county shall then be apportioned by the drain commissioner among public corporations to be assessed in the county, which determination shall be filed with the secretary of the drainage board. In making the apportionments hereunder, there shall be taken into consideration the benefits to accrue to each public corporation and also the extent to which each public corporation contributes to the conditions which make the drain necessary. Apportionments against the state shall be based upon the benefits and contributions as related solely to the drainage of state highways, and those against the county shall be based as related solely to the drainage of its county highways. Before a tentative apportionment shall be made, the drainage board shall designate the area to be served by the drain project, which may or may not include all of the area in a public corporation to be assessed and may divide the drain into sections or parts for purposes of apportionment or construction. Nothing herein contained shall prohibit a county from assuming any additional cost of the drain if 2/3 of the members elect of the county board of commissioners vote in favor thereof. The apportionment shall apply only to the proposed drain. The apportionments for extensions or other work subsequently performed under section 535 shall be reestablished by the board. When chapter 25 is employed in the apportionment of costs, the above proceedings shall be altered and supplemented as provided in chapter 25.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1957, Act 37, Imd. Eff. May 14, 1957;—Am. 1963, Act 215, Imd. Eff. May 17, 1963;—Am. 1976, Act 5, Imd. Eff. Feb. 10, 1976.

Popular name: Act 40